

of all costs charges and expenses as may be incurred in the execution of the trusts created by said deed of trust including a commission of five percent to your Petitioner and the costs of said Deed of Trust then to the payment of all liens upon said property or any portion thereof according to their legal priority paying said liens out of the proceeds of sale of that portion of the property upon which said liens respectively exist then to the payment of all other debts due the creditors of the said Benjamin & Edmunds *pari passu* and without any preference or priority of payment then to pay the surplus if any to the said Benjamin & Edmunds his Executors Administrators or Assigns, all of which will more fully and at length appear from said Deed of Trust herewith filed marked 'Exhibit C & D' which with all other Exhibits herewith filed or to be filed your Petitioner prays may be taken as part of his Petition and Report. Your Petitioner further represents that he is advised that he may execute said trust and distribute the monies coming into his hands in the execution of said trust under the direction of a Court of Equity wherein matters of this nature are properly cognizable and he therefore reports his proceedings under said Deed of Trust to your Honorable Court and prays your Honorable Court to ratify and confirm the same and direct him further in the execution of said trust. Your trustee reports that after having given bond for the faithful performance of his duty, he first advertised for sale the personal property of the said Benjamin & Edmunds which came into his hands by advertisement in "The Valley Register" a newspaper published in Frederick County and also by hand bills circulated in the community in which said personal property was to be sold and in accordance with said advertisements, on Saturday the 11th day of February A.D. 1871 sold at public sale personal property to the amount of three hundred and twenty three dollars and thirty four cents a full statement of which sales is herewith filed marked "Exhibit P. P." Your Trustee further reports that among the Real Estate conveyed to your trustee by said Deed of Trust is thirty Acres of Land, more or less situated about two and a half miles South of Middletown in said County formerly owned by Mrs. Harriet Pettingall for which the said Benjamin & Edmunds has received no deed there being unpaid One thousand dollars purchase money with interest from the first day of April A.D. 1870, that your trustee advertised said Real Estate for sale by advertisement in "The Valley Register" aforesaid, and by hand bills circulated in the vicinity in which said Real Estate was situated, and in pursuance of said advertisements sold the same at public sale on Saturday the 11th day of March A.D. 1871 about the hour of 3 o'clock P.M. in front of "The Valley Register" building in Middletown in said County to Joseph Crowe on the following terms: One third of the purchase money to be paid in cash on the day of sale, the remainder in two equal annual payments the purchaser to give notes for the deferred payments with security to be approved by your Trustee, a good deed to be given when the whole purchase money is paid, the said Joseph Crowe being the highest bidder therefor and having signed an acknowledgment of purchase at and for the sum of sixty seven dollars and fifty cents per Acre the quantity to be paid for unless the said Joseph Crowe shall have said land run off at his own expense by a competent surveyor in which case the amount of land to be paid for will be determined by the actual survey. Your trustee further represents that the remainder of the Real Estate conveyed by said Deed of Trust so far as the same is known to your Trustee consists of a house, Hooper Factory and about 40 Acres of Land that a bill is pending in your Honorable Court to set aside the deeds by which said last named Real Estate in consequence of which your Trustee is unable to sell the same